

OFFICE OF THE
ATTORNEY GENERAL
DON SIEGELMAN
ATTORNEY GENERAL
MONTGOMERY, ALABAMA 36130
(205) 242-7300



STATE OF ALABAMA

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91-00046

Honorable Wanda Parker
Chairman
Board of Registrars
Room 116, County Court House
Mobile, Alabama 36602

Boards of Registrars - Poll Lists
- Public Records

Pursuant to Code of Alabama 1975,
§ 17-4-231, the board of
registrars must make available
for inspection and copying, while
in their possession, the list of
registered voters that is sent to
them after the polls are closed.
The board may place reasonable
time restrictions on the
availability of the list and may
collect the actual cost of
providing the information.

Dear Ms. Parker:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTIONS

1. As a public record, is the list of
registered voters used by the Board of
Registrars to be made available to the
public for review only?
2. Is the Board of Registrars required to
make copies of this list available if
it is requested by individuals?

FACTS AND ANALYSIS

Your request states:

Since the enactment of Alabama Bill H-660, this office has been responsible for recording the voters' last voting date from the list of registered voters which is returned from the polls. At the time we are completing our duties, this list will be public record.

House Bill 660 is also Act No. 90-557 which is now codified at Code of Alabama 1975, §§ 17-4-230 and -231. Section 17-4-231 provides for the disposition of records and forms after the polls close and states:

"After the close of the polls in all primary, special, general and municipal elections held in the state, the records and forms produced at the polling places shall be returned as follows:

"(1) The list of registered voters and the voter reidentification forms shall be sealed in an envelope addressed to the board of registrars and the inspectors and any poll watchers present shall sign across the seal. The board of registrars shall hold the list of registered voters as a public record while using it to update their voter histories in accordance with article 8, chapter 4, Title 17. The list shall then be returned to the city clerk in municipal elections and the judge of probate in all other elections. . . ." (Emphasis added.)

The list of registered voters that is sent to the board of registrars after the polls are closed and referred to in § 17-4-231 will have check marks beside or lines drawn through the names of the persons who voted in the election. This list is used by the registrars to update their voter list as required by Act No. 89-649, codified at Code of Alabama 1975, § 17-4-210, et seq. Section 17-4-213, which is a part of the provisions relating to the statewide voter registration file, requires the registrars to strike a voter from the registration list and place the voter on an inactive list if he has not voted in the past four years. Once the registrars have completed this process the list will be sent to the probate judge or city clerk in municipal elections.

This office has previously held that the names and voting precincts of registered voters on file with the probate judge or the board of registrars may be made available to the public for inspection and copying. Opinion to Honorable Don Siegelman, Secretary of State, under date of May 8, 1980.

Since the Legislature has specifically stated that this list of registered voters shall be held as a public record while the board of registrars is using it, the board is required to make the list available for inspection and copying. However, the board of registrars may place reasonable restrictions on the hours in which the list will be available so that inspection will not unduly interfere with the work of the board. The board may also collect the actual cost of providing copies of the information. Opinion to Mrs. Nell Hunter, Chairperson, Jefferson County Board of Registrars, under date of December 21, 1988.

CONCLUSION

Pursuant to Code of Alabama 1975, § 17-4-231, the board of registrars must make available for inspection and copying, while in their possession, the list of registered voters that is sent to them after the polls are closed. The board may place reasonable time restrictions on the availability of the list and may collect the actual cost of providing the information.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:

Brenda Flowers Smith
BRENDA FLOWERS SMITH
Assistant Attorney General